IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31931 of 2008
PERWEZ ALAM, son of Idris, r/o Vill. Hardiya, PS Chhauradano, District East Champaran
Versus
STATE OF BIHAR
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2. 21.10.2008 Heard the learned Counsel for the petitioner and the learned counsel for the State.

The petitioner apprehends arrest in a Police case under Sections 25(1-B)A and 35 of the Arms Act.

The submission is of false implication. The petitioner is stated to be a shop-keeper.

The allegations are of recovery of fire arm from the almirah in shop premises, where the petitioner was present but fled away. The supervision note says that he was not present and the search was behind his back, recovery from outside the Almirah.

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The Supervision Note, the extract of which has been appended to the application at Annexure 3, clashes with the very FIR itself. The witnesses are police officials.

Having considered the facts and circumstances of the case, let the petitioner, above named, surrender in the court below within a period of six weeks from today when he shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM Raxaul in Chhaura Dano PS Case No. 01 of 2005, subject to the conditions as laid down under Section 438(2) Cr.P.C.

This Court directs the trial to be concluded within a period of six months. The petitioner is directed to cooperate,

failing which the court below shall be at liberty to proceed against him in accordance with law. If the prosecution witnesses be not forth coming the co0urt below is directed to initiate proceedings against them under Section 350 Cr.P.C.

Let compliance report be submitted after expiry of time.

Snkumar/-

(Navin Sinha,J.)

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